Exhibit 9

Case 3:20-cv-06754-WHA Document 754-10 Filed 05/18/23 Page 2 of 19 CONFIDENTIAL BUSINESS INFORMATION - SUBJECT TO PROTECTIVE ORDER

1	UNITED STATES DISTRICT COURT
2	FOR THE NORTHERN DISTRICT OF CALIFORNIA
3	x
	SONOS, INC.,
4	
	Plaintiff,
5	vs. Case No. 3:21-CV-07559-WHA
6	GOOGLE LLC,
	Defendant.
7	x
8	-AND-
9	
.0	UNITED STATES DISTRICT COURT
.1	FOR THE NORTHERN DISTRICT OF CALIFORNIA
.2	x
3	GOOGLE LLC,
4	Plaintiff,
5	vs. Case No. 3:20-CV-06754-WHA
6	SONOS, INC.,
	Defendant.
7	x
8	**CONFIDENTIAL BUSINESS INFORMATION**
9	**SUBJECT TO PROTECTIVE ORDER**
0	REMOTE VIDEOTAPED DEPOSITION BY VIRTUAL ZOOM OF
1	TIM KOWALSKI
2	Monday, May 8, 2023
3	
4	Reported By: Lynne Ledanois, CSR 6811
25	Job No. 5907206
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1	UNITED STATES DISTRICT COURT
2	FOR THE NORTHERN DISTRICT OF CALIFORNIA
3	x
	SONOS, INC.,
4	
	Plaintiff,
5	vs. Case No. 3:21-CV-07559-WHA
6	GOOGLE LLC,
	Defendant.
7	x
8	-AND-
9	
10	UNITED STATES DISTRICT COURT
11	FOR THE NORTHERN DISTRICT OF CALIFORNIA
12	x
13	GOOGLE LLC,
14	Plaintiff,
15	vs. Case No. 3:20-CV-06754-WHA
16	SONOS, INC.,
17	Defendant.
	x
18	
19	Videotaped deposition of TIM KOWALSKI,
20	taken in, Lincolnshire, Illinois commencing at
21	10:03 a.m. CDT on Monday, May 8, 2023, before Lynne
22	Ledanois, Certified Shorthand Reporter No. 6811.
	Ledanois, Certiffed Shorthand Reporter No. 6611.
23	
24	
25	
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1	REMOTE APPEARANCES
2	
3	Counsel for Google LLC:
4	QUINN EMANUEL URQUHART & SULLIVAN, LLP
5	BY: JEFF NARDINELLI
6	Attorney at Law
7	50 California Street
8	22nd Floor
9	San Francisco, California 94111
10	jeff.nardinelli@quinnemanuel.com
11	
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	Page 3

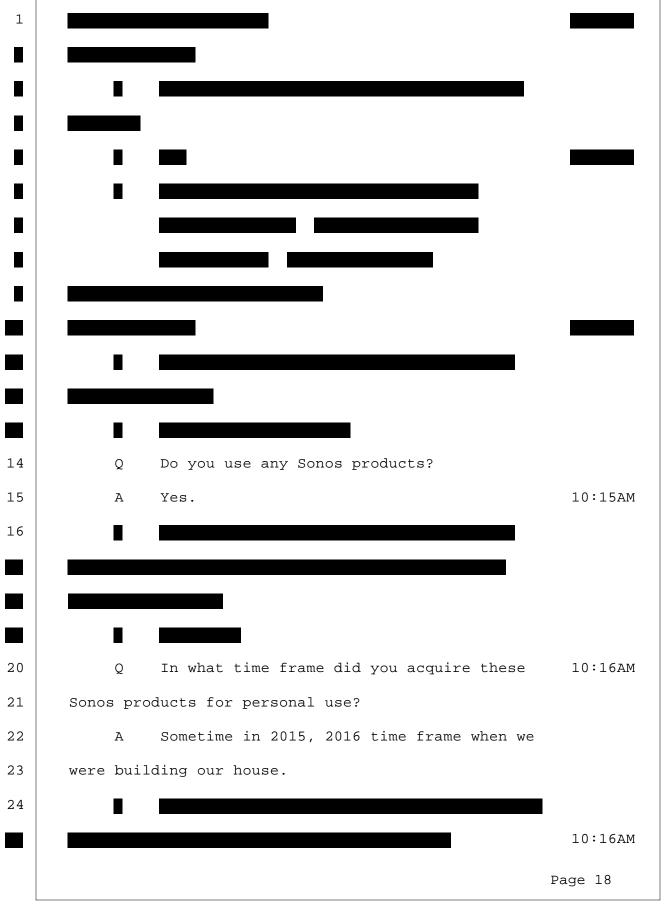
Case 3:20-cv-06754-WHA Document 754-10 Filed 05/18/23 Page 5 of 19 CONFIDENTIAL BUSINESS INFORMATION - SUBJECT TO PROTECTIVE ORDER

1	REMOTE APPEARANCES
2	
3	Counsel for Sonos LLC:
4	ORRICK HERRINGTON & SUTCLIFFE LLP
5	BY: JOESEPH KOLKER
6	BAS de BLANK
7	Attorneys at Law
8	1000 Marsh Road
9	Menlo Park, California 94025
10	jkolker@orrick.com
11	basdeblank@orrick.com
12	
13	ALSO PRESENT:
14	David West, Videographer
15	Jim Sherwood, Google In-House Counsel
16	
17	
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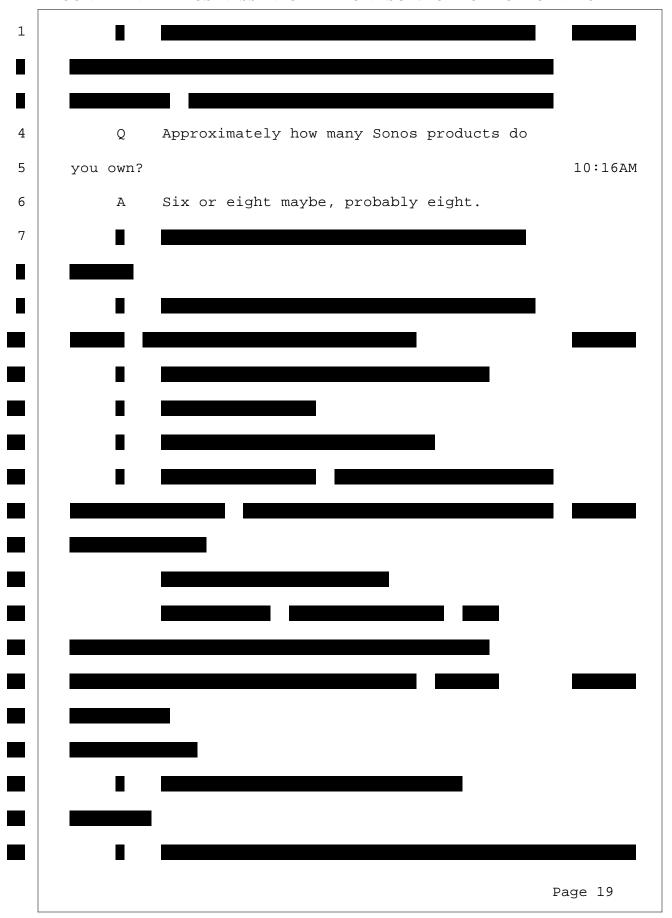
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1	Ledanois. We represent Veritext Legal Solutions.	10:04AM
2	I am not related to any party in this	
3	action nor am I financially interested in the	
4	outcome.	
5	If there are any objections to proceeding,	10:04AM
6	please state them at the time of your appearance.	
7	Counsel will now state their appearances	
8	and affiliations for the record beginning with the	
9	noticing attorney.	
10	MR. KOLKER: Hi. My name is Joseph Kolker	10:04AM
11	from Orrick, Herrington & Sutcliffe on behalf of	
12	Sonos, Inc. And with me today from Orrick is Bas de	
13	Blank.	
14	MR. NARDINELLI: This is Jeff Nardinelli	
15	from Quinn Emanuel on behalf of Google and the	10:05AM
16	witness and with me is Jim Sherwood, in-house	
17	counsel for Google.	
18	THE VIDEOGRAPHER: Thank you. The court	
19	reporter may now swear the witness in and we will	
20	continue.	10:05AM
21	(Witness sworn.)	
22	THE VIDEOGRAPHER: Counsel, please	
23	continue.	
24	TIMOTHY KOWALSKI,	
25	having been duly sworn, testified as follows:	2:03PM
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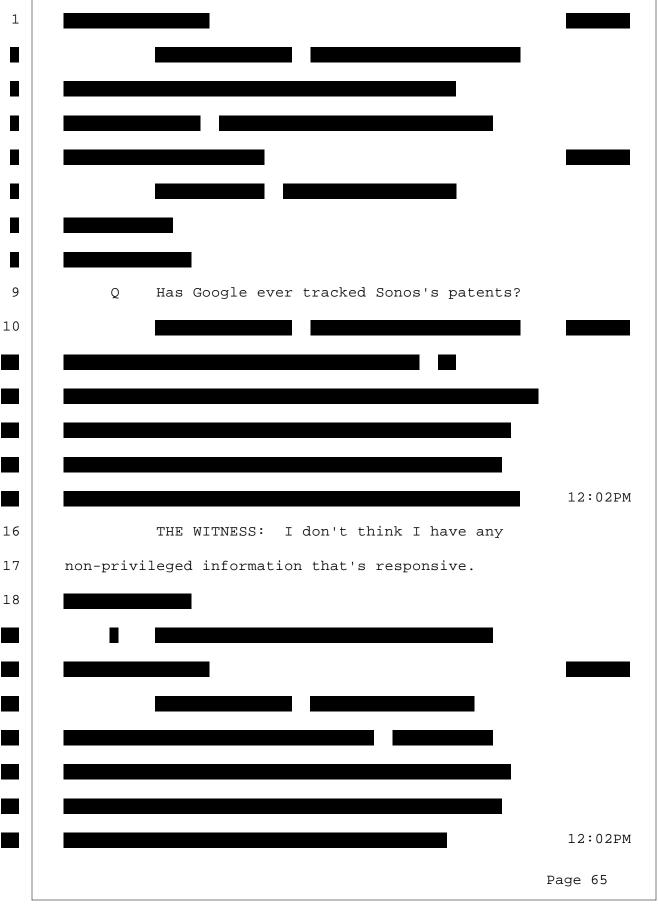
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1	sorry, what was the other term you used?	11:37AM
2	Q My question was what your understanding is	
3	of the distinction between an operating company	
4	versus a nonpracticing entity?	
5	A Okay. So, yes. A general high-level	11:37AM
6	understanding of a nonpracticing entity is a company	
7	that is not involved in selling products and therefore	
8	isn't using its patents.	
9	Q So is it your understanding that an	
10	operating company is in the business of selling	11:37AM
11	products while a nonpracticing entity is not in the	
12	business of selling products?	
13	A Generally, yes.	
14	Q Do you understand Sonos, Inc. to be a	
15	nonpracticing entity?	11:38AM
16	A No. My understanding is Sonos sells	
17	products. In fact, we talked about the ones that I	
18	purchased earlier.	
19	Q Do you understand Sonos to be a competitor	
20	to Google?	11:38AM
21	A In what sense?	
22	Q In any sense.	
23		
24	THE WITNESS: At one point in time we were	
25	both selling speakers. So we may have been	11:38AM
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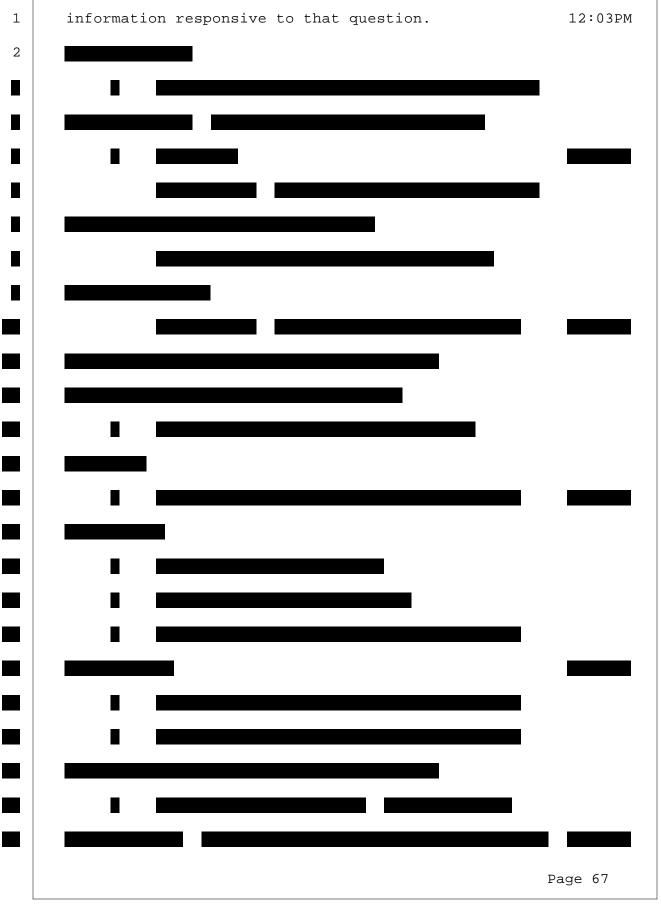
1	competitive with respect to speakers at one point in 11:38AM
2	time.
3	BY MR. KOLKER:
4	Q And at what point in time was that?
5	A I think around we're not really selling 11:38AM
6	speakers anymore to my knowledge. I know in 2017
7	roughly, I may be off by a year or two, we sold what I
8	refer to as a premium speaker.
9	Q Is it your understanding that Sonos and
10	Google were competitors in the speaker market at one 11:39AM
11	point in time?
12	
13	THE WITNESS: Yes, at least one point I
14	would say competitors in the high-end speaker market
15	at one point in time, premium speaker market at one 11:39AM
16	point in time.
17	
	11:40AM
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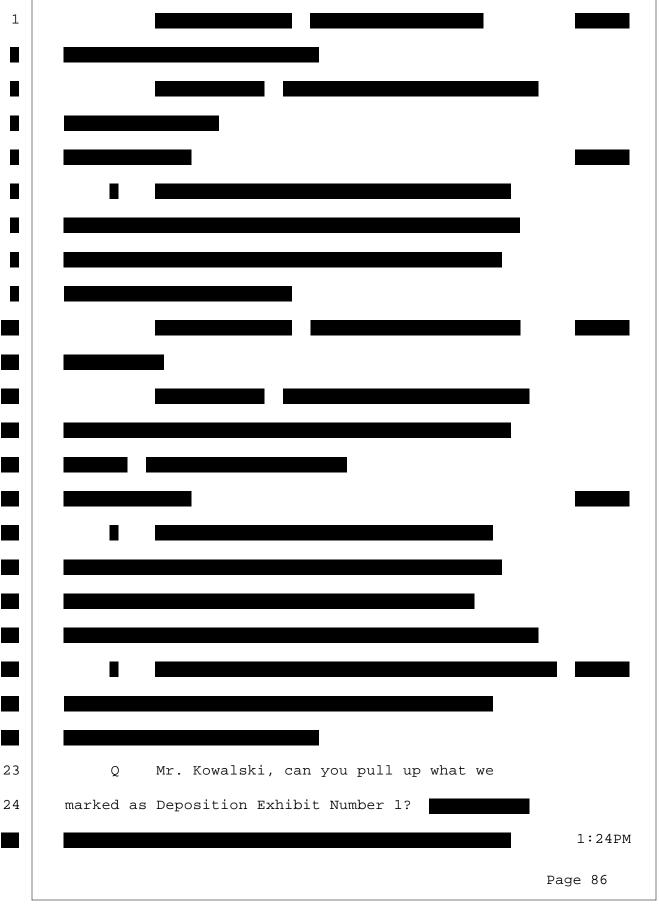


Q	Has Google ever done any searches for	12:02
Sonos pat	ents?	
	THE WITNESS: I don't think I have any	
non-privi	leged information that's responsive to that	12:02
question.		
Q	Has Google ever attempted to locate family	
members o	f Sonos patents?	
	THE WITNESS: Again, I don't have any	
non-privi	leged information to answer in response to	
that ques	tion.	
BY MR. KO	LKER:	12:03
Q	Did Google make an effort to learn when	
Sonos fil	ed new patents?	

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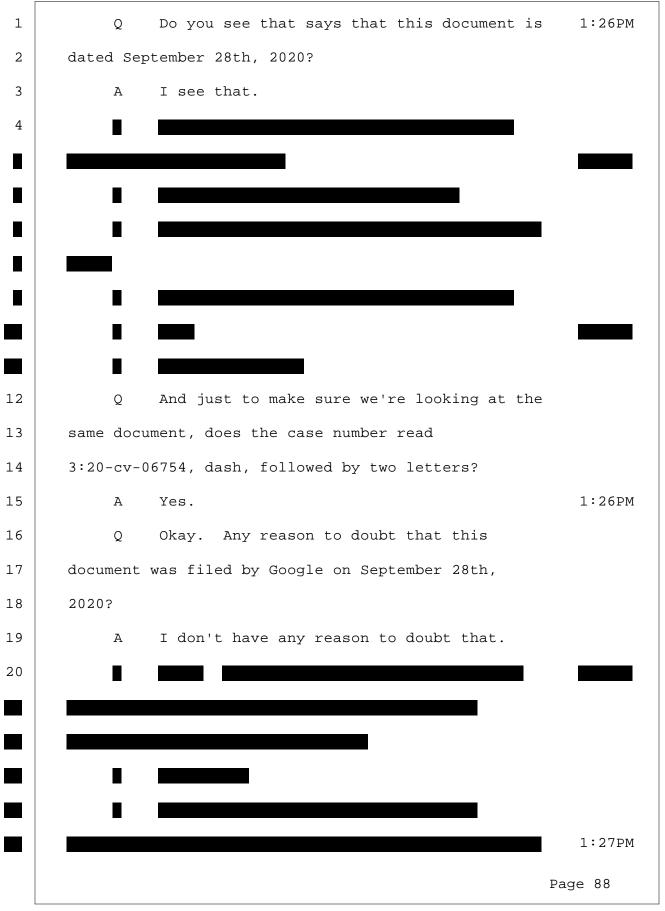


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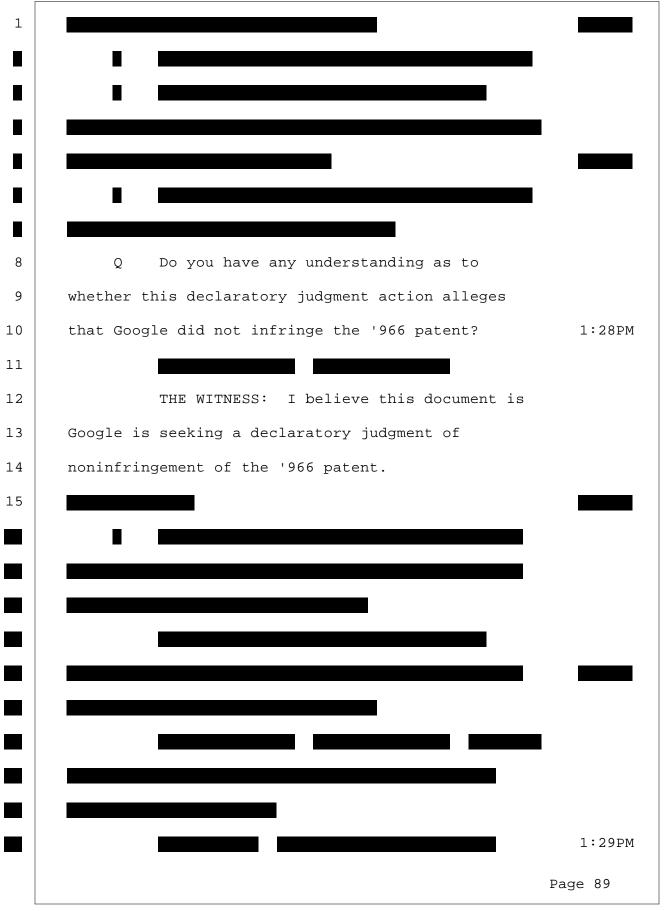


1		
4	Q Would you take a minute to review the	
5	first page of this document.	1:24PM
6		
7	Q Did reviewing that first page refresh your	,
8	recollection as to whether Google filed an action	
9	for declaratory judgment of noninfringement of the	
10	'966 patent?	1:25PM
11		
13	THE WITNESS: I see that this document	
14	shows that Google filed a declaratory judgment	
15	action of noninfringement of the '966 patent.	1:25PM
16	BY MR. KOLKER:	
17	Q If you can go ahead and go down to	
18	Page 12, which is the second-to-last page of the	
19	document.	
20	A Yes, I think I'm there.	1:25PM
21	Q For the record, I'm looking at the	
22	signature page which has a date and a signature by	
23	Google attorneys.	
24	Is that what you're looking at?	
25	A Yes.	1:26PM
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1	I declare under penalty of perjury
2	under the laws that the foregoing is
3	true and correct.
4	
5	Executed on, 20,
6	at
7	
8	
9	
10	
11	
12	Witness Signature
13	
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1	I, LYNNE M. LEDANOIS, a Certified
2	Shorthand Reporter of the State of California, do
3	hereby certify:
4	That the foregoing proceedings were taken
5	before me at the time and place herein set forth;
6	that a record of the proceedings was made by me
7	using machine shorthand which was thereafter
8	transcribed under my direction; that the foregoing
9	transcript is a true record of the testimony given.
10	Further, that if the foregoing pertains to
11	the original transcript of a deposition in a Federal
12	Case, before completion of the proceedings, review
13	of the transcript [X] was [] wasn't requested.
14	I further certify I am neither financially
15	interested in the action nor a relative or employee
16	of any attorney or party to this action.
17	IN WITNESS WHEREOF, I have this date
18	subscribed my name.
19	
20	Dated: 5/8/23
21	
22	
23	
24	Lynne Marie Ledanois
	LYNNE MARIE LEDANOIS
25	CSR No. 6811
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